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TRANSLATION

OF

POLICE LAW OF RAILROADS

OF

PUERTO RICO,

AND

REGULATIONS FOR ITS APPLICATION

PROMULGATED ON THE 17TH OF FEBRUARY, 1888.

WAR DEPARTMENT,
1899.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1899.

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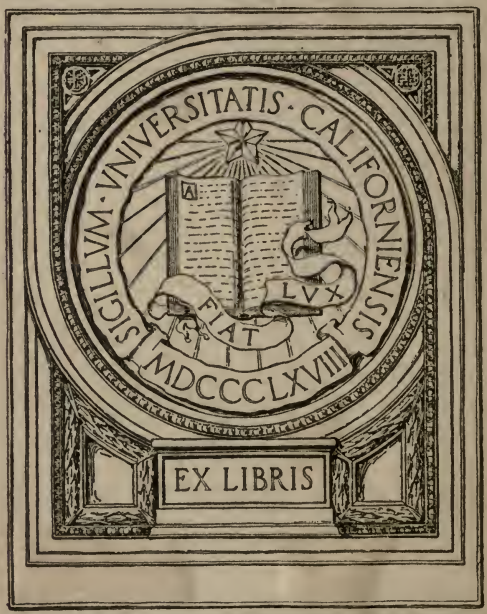
Prof. Plehn



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POLICE LAW OF RAILROADS OF PUERTO RICO.

[Promulgated in the Island on the 17th of February, 1888.]

TITLE I.

REGULATIONS APPLICABLE TO PUERTO RICO FOR THE PRESERVATION OF PUBLIC ROADS.

ARTICLE 1. The Laws and Regulations of the Administration as to highways are applicable to—

1. The preservation of trenches, drains, walls, buildings, and other kinds of works.

2. The rights (servitudes) for the preservation of the roads charged on the adjoining cultivated lands.

3. The servitudes on these same lands as to laying out lines, constructions of all kinds, opening of ditches, free course of water, planting, pruning of trees, working of mines, lands, places for dumping refuse ore, quarries, and any other whatsoever. The zone to which these rights extend is 20 meters on each side of the railroad.

4. The prohibitions the object of which is to prevent all kinds of damage to the road.

5. Prohibiting the placing of hanging or projecting objects which may inconvenience or endanger persons or the road.

6. Prohibiting the establishment of deposits of materials, stones, earth, manure, products or any other thing which may impede free transit.

TITLE II.

REGULATIONS FOR THE PRESERVATION OF ROADS WHICH REFER ESPECIALLY TO RAILROADS.

ART. 2. Along the whole distance of the railroad neither the entry nor the grazing of cattle shall be allowed. If the railroad has to cross a highway where cattle pass, the railroad shall always cross without changing or stopping the progress of the trains, and in the manner provided for as a general rule for that crossing.

ART. 3. In the future, in a zone of 3 meters on each side of the railroad, only fencing walls shall be constructed, but no facades having openings or projections. This Regulation does not refer to buildings constructed before the promulgation of this Law, or the construction of a railroad which may be separated and maintained in the condition in which they are, but can not be rebuilt. If it

be necessary to demolish or change a building for the benefit of a railroad, the proceedings shall be according to the provisions of Article 11 of this Law.

ART. 4. Within the zone indicated in paragraph 3 of Article 1, no buildings may be constructed, covered with thatch or other combustible materials, when the railroad is operated by means of locomotives.

ART. 5. The prohibition to establish deposits of materials, earth, stones, or any thing mentioned in the sixth paragraph of Article 1, in the case of railroads, includes 5 meters on each side of the road as to objects not inflammable and 20 meters as to inflammable objects.

ART. 6. The prohibition of the preceding Article shall not be operative when—

1. The deposits of combustible material shall not be higher than the road when the latter is on an embankment.

2. The deposits of materials to be employed for fertilizing and cultivating lands, and harvests during their gathering, are temporary; but in case of fire due to the passing of locomotives the owners shall have no right to an indemnity.

ART. 7. The Governor of the Province may authorize, after hearing the Engineers of the Government and of the Companies, the deposit of uninflammable materials; but the authorization shall be revokable at his will. The Governor may not authorize deposits of inflammable materials.

ART. 8. The railroads throughout their length shall be fenced on both sides. The Secretary of the Colonies, after hearing the Company, in case there be one, shall determine for each line the manner in which and time when the fencing is to be made. When railroads cross others on the same level, gates shall be constructed which shall be closed and only opened when vehicles and cattle cross as provided for in the regulations.

TITLE III.

REGULATIONS AS TO THE PRECEDING TITLES.

ART. 9. The distances fixed in paragraph 3 of Article 1, and in Articles 3 and 5 of this law, shall be measured from the lower line of the walls of the embankment of the railroads, from the upper line of the clearing, and from the outer border of the trenches; if there be no such lines the measures shall be from a line drawn a meter and a half from the outside of the railroad. The Regulations will fix the minimum distance from the stations at which buildings may be constructed or deposits established.

ART. 10. The Secretary of the Colonies, in special cases, may reduce the distances to which the preceding article refers, after the

proper steps are taken showing the necessity or convenience of the reduction, and if no harm is done to the regularity, preservation, and free transit of the road.

ART. 11. Whenever there exist individual rights previous to the construction of a railroad, or the publication of this law, which rights can not be enforced, or if it be necessary to abolish these rights on account of the necessity or utility of the railroads, the rules established in the Law of June 13, 1884, shall be observed as to forcible condemnation by reason of public utility, and also the provisions of the Laws of Public Works and the regulations issued for their execution by the administration.

TITLE IV.

OFFENSES OF OWNERS OF CONCESSIONS AND LESSORS OF RAILROADS.

ART. 12. The owner of the concession or the lessor for the operation of a railroad who shall not comply with the general document of conditions, or the special ones of the concession, or the resolutions for the execution of these clauses in everything referring to the operation of the line, or of the telegraph, or as to navigation or use of all roads or free course of waters, shall incur a fine of 100 to 1,000 pesos.

ART. 13. The owner of the concession or the lessor shall also be obliged to make amends for the errors and damages caused within the time fixed; if he does not do so the administration shall do it, demanding from him the amount of the expenses and attaching the earnings of the stations.

ART. 14. The owners of the concession or lessors of the railroads shall be responsible to the State and to individuals for damages caused by the Managers, Directors, and other employees in the service and operation of the railroad and telegraph. If the railroad is operated by the State, the State shall be subject to the same responsibility in regard to individuals. Let it be understood that what has been stated in this Article is without prejudice to the personal responsibility which Managers, Administrators, Engineers, and all classes of employees may incur, and the discretionary authority which in cases of strikes, disturbances of public order, and conspiracies, appertains to the Government.

ART. 15. The General Government, without intervening in the appointment of the employees of the companies for the service of operating the railroad, may require the company to dismiss the employees whom it may consider dangerous to the safety of passengers and the maintenance of public order.

This dismissal shall be of a temporary character until it is ratified by the Secretary of the Colonies.

TITLE V.

TRANSGRESSIONS AND CRIMES AGAINST THE SAFETY AND PRESERVATION OF RAILROADS.

ART. 16. He who shall willfully destroy or damage a railroad, or place obstacles on it which shall obstruct the free transit or cause the derailing of a train, shall be punished with imprisonment. In case the train has been derailed, the imprisonment shall be in the penitentiary.

ART. 17. In case the destruction or damage is caused in time of rebellion or sedition, and the authors of the crime do not appear, the principal authors or leaders of the sedition or rebellion shall incur the penalty imposed in the previous article.

ART. 18. The provisions of the preceding articles shall be understood to be without prejudice to the civil and criminal liability which the guilty parties may incur, for crimes of homicide, wounds, and injuries of all kinds which may occur, and for those of rebellion and sedition.

ART. 19. When two or more penalties concur, the Judges and Courts shall impose the greater in its maximum degree.

ART. 20. Those who threaten the commission of a crime included in Articles 16 and 17 shall be punished with the penalties provided for in Article 512 of the Penal Code of Puerto Rico. The scale therein established shall be observed, but always imposing the maximum degree, and when the degree shall be fixed, the next highest one in its minimum degree.

ART. 21. Whosoever through ignorance, imprudence, or by reason of negligence or failure to comply with the Laws and Regulations causes in the Railroad or its dependencies some damage which may injure persons or property, shall be punished, according to Article 592 of the Penal Code of Puerto Rico, by reason of gross negligence.

ART. 22. The engineers, conductors, brakemen, station masters, telegraph operators, and other employees charged with the service and care of the line, who abandon their respective posts while on duty, shall be punished with the same penalties. But if some injury is occasioned to persons or things they shall be punished with the penalty of correctional imprisonment or minor imprisonment.

ART. 23. Those who interfere with the Railroad employees while these are doing their duty, shall be punished with the penalties which the Penal Code imposes on those who resist the agents of the Government.

ART. 24. Those who violate the Regulations included in Titles 1 and 2 of this law, the Regulations of the Administration, and the orders of the Governors as to police, safety, and operation of

Railroads, shall be punished with a fine of 6 to 60 pesos, according to the gravity and circumstances of the case and its perpetrator. If according to the Penal Code they have incurred a graver penalty, only the latter shall be imposed. In case of recurrence of the crime, the fine shall be from 12 to 120 pesos.

ART. 25. Those not paying the fine imposed upon them shall be liable to execution against the person, according to the provisions of Article 49 of the Penal Code of Puerto Rico.

ART. 26. Without prejudice to the penalties stated in the preceding articles, those who shall have infringed the Regulations of this Law, shall destroy the excavations, constructions, and covers, take away the deposits of inflammable material, or of any other kind which may have been made, and repair the damages occasioned in the Railroads. The Mayors shall fix a time for the performance, after hearing the representative of the Administration of the Railroad, or the Company itself. If within the time fixed this shall not be done, the Government shall do it at the expense of the party who shall have disobeyed. In this case the collection of the expenses shall be made in the same manner as that of the taxes.

TITLE VI.

PROCEDURE.

ART. 27. Those who shall commit crimes punishable under this law shall be tried in the ordinary way, whatever be their right to other trial.

ART. 28. Those who shall have only incurred a fine, shall be excepted from the provisions of the preceding article. For the imposition of the fines the following Rules shall be observed:

1. The right to inform belongs to the people.

2. The denunciations shall be made to the Municipal Judges in whose districts the transgression was committed.

3. The proceedings and steps in these actions shall be the ones provided for in cases of common transgressions.

4. The testimony of those in charge of the management of the road and the sworn guards shall be sufficient, except when there is evidence to the contrary.

5. Municipal Judges shall see to the fulfillment of the penalties imposed in these cases.

ART. 29. The penalties imposed on the owners of the concessions or lessors of the Railroad in the cases mentioned in Article 12 may only be imposed by the Governor after hearing the interested parties, the Chief Engineer of Public Works, and the Council of

Administration which hears disputes. The fines imposed by the Governors on the owners of concessions or lessors of Railroads shall not be remitted but by the Colonial Department, after hearing the Council of State.

Approved by the Royal Decree of this date.

BALAGUER.

MADRID, *July 13, 1888.*

REGULATIONS FOR THE APPLICATION OF THE POLICE LAW OF RAILROADS OF THE ISLAND OF PUERTO RICO.

[Promulgated on the 17th of February, 1888.]

CHAPTER I.

ARTICLE 1. The inspection and supervision of the Railroad, not only in its technical part but also in the business part, the direct intervention in the different branches of its operation, its police and good government, and everything concerning the safety of persons and the development of the material interests, belong to the Colonial Department.

ART. 2. The purely technical or professional parts shall be intrusted in each line to one or more Engineers of the Corps of Roads, Canals, and Ports; the administrative and business part to the officers elected by the Colonial Department. Of both branches two inspections shall be created independent one of the other, and both devoted to the best public service with different obligations and duties. They may also be consolidated.

ART. 3. The organization, rights, and duties of the technical and administrative inspections shall be in accordance with the provisions of the special Regulations which may have been ordered for the service of the same, or may be ordered in the future by the Colonial Department.

CHAPTER II.

THE ROAD AND ITS PRESERVATION.

ART. 4. The erection of dams, wells, and troughs at a distance of less than 20 meters on each side of the Railroad is prohibited. This distance of 20 meters shall be measured from the lower lines of the walls of the embankments, from the upper line of the clearing, and from the outer edge of the trenches when the Railroad is on a level. When these lines do not exist, the distance of 20 meters shall be counted from a line parallel to the outer rail at a meter and a half from it.

ART. 5. The farmers on the land adjoining the road shall incur the penalty provided for in Article 24 of the Law whenever by their plantings, works of cultivation, or in any other manner inclosures or the supporting walls, the braces of the culverts, the abutments of the bridges, and other works of the railroads are damaged.

ART. 6. Article 24 of the Law shall be applied equally, not only to the farmers who, in the labor of improvements of their fields

adjoining the Railroad, shall throw in the trenches earth, manure, leaves, or any other material which may prevent the free course of the waters, but also to ranchmen who in the care, grazing, or driving of their cattle, cause the same damage.

ART. 7. The owners or lessors of lands adjoining railroads shall not—

1. Obstruct the free course of waters proceeding from the Railroad by constructing ditches, roads, or bypaths, or by raising their embankments.

2. Cut trees within a zone 20 meters on each side of the Railroad without a previous license from the local authority, and examination by the technical experts.

3. Pull out roots or remove the earth in the slopes or lands adjoining the road, which may cause a breaking of the land, and directly or indirectly may obstruct or embarrass the transit. The work necessary for the repair of these damages shall be made at the expense of the offender without prejudice to the penalties which he may have incurred according to the previous articles.

ART. 8. The owners or conductors of vehicles, horses, or other cattle may not, even to enter adjoining lands or to leave them, cross the Railroads but by such points fixed for that purpose. This prohibition includes also owners or drivers of carriages, shepherds, and cattlemen who leave their horses or cattle at liberty, and graze them in the zones adjoining the Railroad.

ART. 9. No sheds, covers, stands, or movable stands shall be allowed in the zone of the Railroads, even for the sale of food, if their owners have not previously obtained the proper license from the competent authority.

ART. 10. Whosoever willfully or by omission or negligence, shall damage or destroy, with his cattle or vehicles, the works or dependencies of the Railroads, such as parapets, the copings or walls, the kilometric posts, telegraph posts, wires and insulators, signal posts, signs, time tables for the public, and the pipes and water deposit, shall incur the penalty stated in Article 21 of the Law.

This Article is also applicable to those who, without proper authority, shall cut or destroy trees planted in the zone fixed in Article 4 on each side of the Railroad.

ART. 11. Nobody, without previous authorization, within the zone of 20 meters, measured in the manner stated in Article 4, shall construct dams or works, open canals for taking or leading waters, erect buildings, walls, culverts, or other works.

This zone of 20 meters shall be measured at the stations from the inclosure or boundary which limits the land belonging to the station.

ART. 12. The petitions for construction or rebuilding in the Railroad zones shall be addressed to the Alcalde of the respective towns, stating the place, object, and details of the proposed work.

The Alcalde shall send them immediately, with his report and the observations which he may deem proper, to the Engineer in charge of the technical inspection, and he, after an examination and a hearing of the Company, shall determine the distance between the road and the work, fixing the alignment and the precautions and technical conditions, which must be complied with in the construction.

It is obligatory for the interested parties to submit the plans of the work to the Engineer in charge of the technical inspection whenever he shall deem it convenient to examine them.

ART. 13. If the Engineer and the Alcalde agree as to the proposed constructions in the zones of the road, the Alcalde shall immediately grant the license requested.

When they disagree, and the interested party objects to the conditions proposed by the Engineer, the proceedings shall pass to the Governor of the Province, who, after hearing the Executive Committee of the Provincial Deputation and the Chief of Public Works, shall determine on what he may deem best.

In case any of the parties shall be dissatisfied with his decision, the Secretary of the Colonies shall decide, finally, through the Government channel, without any further appeal.

ART. 14. After the report of the Engineer in charge of the technical inspection, the Alcalde shall order the works to be demolished which may have been constructed in the zone of the Railroad without the proper license, as well as those constructed after the granting of the license which do not fulfill the required conditions.

ART. 15. If the houses and other buildings erected in any part within the zone of easement of the Railroad, measured in the form provided for in Articles 4 to 11, and especially if the wall at the sides of the road shall threaten to fall, the Company shall immediately inform the Engineer, so that he may immediately proceed to the examination.

If this examination shows its bad condition or unsafety, the Engineer shall inform the Alcalde, stating whether the ruin is or is not imminent, and whether the building is among those the wall of which must be moved back.

ART. 16. The prohibition imposed by Article 3 of the Law to erect within 3 meters distance, any other construction but a wall or fence, also includes a prohibition to open in it doors, windows, or any other openings which may face the road.

ART. 17. The plans of those works which may cross the road or impose an easement thereon more or less directly, shall be submitted

to the approval of the Secretary of the Colonies, who shall decide, after hearing the Company, the Engineer in Chief of the Public Works, and the Governor of the Province.

ART. 18. By all possible means, the Company shall assure—

1. The maintenance in good condition of the Railroad and all its appurtenances.

2. The care and service of the gates in the level crossings.

3. The supervision and proper work of the switches in the changes and crossings of the road, and in the signals adopted, in daytime as well as at night.

4. The lighting of the stations and level crossings, which the Governor General shall order from the setting of the sun to the time of running the last train.

5. The lighting of the tunnels, which shall also be determined by the Governor, and which shall be constantly lighted while the road is in operation.

ART. 19. For the more exact fulfillment of the previous article there shall be, at all the points deemed necessary, road keepers, switch tenders, and watchmen, day and night, in sufficient number for the safety of the trains and the success of the service.

During the service of these employees, they shall never abandon their post, without express authority of the chief on whom they depend, and without having been substituted.

ART. 20. When, in the opinion of the Governor General, the means employed by the Company are insufficient to assure the safety of the service, he shall adopt, of his own accord, after hearing the Company, the measures which in each case he may deem proper and which public interests demand.

ART. 21. The technical inspection, in agreement with the company, shall organize in the most convenient manner the service and police of the gates.

ART. 22. Whenever it is necessary for the maintenance of the works, or safety of persons or merchandise, to open outer ditches, erect defenses and trenches, or to commence other works of the same nature, the company shall proceed immediately to make them at the points designated by the Government.

ART. 23. The Engineer of Public Works, when the owner of the concession or lessor within the fixed time shall not repair the dam ages, or shall not have the works completed, shall, after the order of the Governor General, repair said damages or injuries or do the work necessary under the administration system. The Governor shall order the attachment of the funds of the neighboring stations to meet the payment of the said works or repairs. A receipt for the funds attached shall be given to the station masters. These documents shall be afterwards exchanged for the verified accounts

of expenses in the form in which the works of the State are vouched for. If there be opposition to the seizure of the funds, aid shall be asked of the Governor of the Province, who shall give it, even if it be with the troops at his command.

ART. 24. The division of the line in kilometers, the levels, the radii and lengths of the curves, shall be fixed according to the provisions ordered by the Secretary of the Colonies. They should be, whenever possible, on the right of the road, and starting from San Juan de Puerto Rico, and from the coast toward the interior.

CHAPTER III.

STATIONS.

ART. 25. Every station shall have on its principal facade an inscription stating its name, and a clock for the regulation of the service of the same and the movement of the trains.

All the clocks of the line shall be regulated daily by the time of the meridian of San Juan de Puerto Rico, whenever the line connects with that Capital without a break; and if there be a break, they shall be regulated by that of the most important station.

All the crossings for pedestrians, vehicles, and horses shall also have signs, so that all the bureaus, offices, warehouses, workshops, and other dependencies of the Company may be known.

ART. 26. Any ticket with changes or erasures shall be refused as worthless.

ART. 27. The Railroad administration, to insure the safety of baggage, packages, or merchandise, shall issue to their owners, or those in charge of them who may represent the owners, proper receipts, stating therein the name and kind of package delivered, the transportation rate charged, and any other matters which may be considered necessary for the better carrying out of the service.

In these receipts the time, according to the Regulations, within which the baggage, packages, or merchandise are to reach their destination must be stated.

ART. 28. In the most public places in each station, the announcement of the office hours, as well as the hours for the sale of tickets, as also the time-tables and rates, shall be constantly on view.

ART. 29. All the stations shall have a superior chief, to whom all the other employees of the stations shall be subordinate.

ART. 30. There shall be in the stations designated by the Governor General—

1. Departments for the officers of inspection and telegraph.

2. A depository in the manner determined by the Company, where lost articles belonging to travelers shall be taken care of.

3. A medicine chest, bandages, and other things needed in case of accident.

ART. 31. The Governor General shall have power to adopt all the proper measures for the best order and policing of the station, the entry, movement, and stoppages in the yards of public and private conveyances used to transport passengers and merchandise, and must inform the Colonial Department, so that it shall confirm, reform, or revoke the orders that have been issued. All privilege and favor of common carriers as to entry, movement, and stoppage in the neighborhood of the stations are prohibited.

CHAPTER IV.

MATERIAL EMPLOYED IN THE SERVICE.

ART. 32. The number of locomotives, tenders, and other vehicles to be used in the service shall be determined in the document of the conditions of the concession. If, for the best public service, it be necessary to increase the material, the Secretary of the Colonies, after hearing the Company, shall take such action as may be proper to obtain it.

ART. 33. The locomotive shall always be provided with all the necessary apparatus to prevent all danger from fire, and shall never be used until after examination by the technical inspection. When, because of wear or any other cause, a locomotive shall have been withdrawn from use, it shall not be again employed, even after repairing it, without an examination by the technical inspection and express permission.

ART. 34. The axles of locomotives, tenders, and other rolling stock of the Company shall be wrought, strong and compact, of smooth surface, without ridges or indentations, and perfectly adapted to the service to be rendered.

ART. 35. In case cast wheels are used, they shall be massive, and must be cast in a metal mold. The Government may prohibit the use of such wheels when, after trial, it shall appear that they may cause accidents imperiling the safety of the passengers.

ART. 36. All the Companies shall state, in a numbered registry, the locomotives in use, stating the day they began service, the work done, the repairs or changes made, and the successive renewal of the different parts. In these statements shall also be included the observations and remarks deemed necessary to form the statistics of the material in use by the Railroad.

ART. 37. In other special and different registries from those stated in the previous article, a statement shall be made showing the details of the axles of the locomotives and tenders, stating in the margin the number of each one, the manufacturer thereof, the day they were first used, the tests to which they were submitted, their constant and periodic work, and the accidents and various repairs. For this purpose each axle shall have its number engraved thereon.

These registries, made with the greatest possible care, shall be presented by the Companies to the Engineers in charge of the technical inspection whenever they may deem it proper to examine them.

ART. 38. Only the persons employed for the purpose by the Company shall fire locomotives. When ready for use, the engineer or fireman shall constantly remain on the platform of the locomotive wherever it may be, on the main line or branches.

ART. 39. The tenders, besides the conditions of solidity and safety, shall have the necessary capacity to contain greater quantities of water and fuel than those which the accompanying locomotives can consume during the run from one deposit to another. They shall also have the necessary room to carry a box of such tools and implements as may be determined upon.

ART. 40. The vehicles to be used for the transportation of passengers shall not be used without the authorization of the technical inspection. This authorization shall be granted when, in accordance with the provisions of the Government, they shall be acknowledged to have all the requisites for the safety and comfort of the passengers.

ART. 41. The place assigned to each passenger shall be at least 45 centimeters wide, 65 centimeters long, and 1 meter 45 centimeters high, measured from the seat. In the interior of all passenger cars there shall be a sign stating not only the number and letter of the car, according to its class, but also the number of its seats, the divisions being clearly made; and also a frame containing such part of these regulations as refer to passengers.

ART. 42. All locomotives, tenders, and cars of a train shall have—

1. The name or initials of the Railroad to which they belong.
2. Their regular numbers.
3. If they be passenger cars, the class to which they belong.

ART. 43. The Company shall constantly keep in good condition the rolling stock, in proportion to the extent and especial needs of the line.

ART. 44. The Administration shall have exclusive jurisdiction of all appeals which may arise against the decisions of the technical inspection, the object of which shall be to abandon that part of the stock which is useless, to order necessary repairs, and to adopt such measures as may be required for the good order and safety of the service.

CHAPTER V.

FORMATION OF TRAINS.

ART. 45. The Governor General, at the request of the Company and within the provisions of the concession, shall determine for

the different points of the line, and as the circumstances may require—

1. The speed.
2. The maximum number of cars.
3. The maximum of weight to be carried in freight trains.
4. The number and weight of the cars with brakes, and the place they are to occupy in the train, the last car in a train being necessarily of this kind. The Governor shall report to the Colonial Department concerning the carrying out of these provisions.

ART. 46. Every engineer running an engine shall have the necessary means to make such signals as are provided for by the Regulations.

ART. 47. The number of passenger cars of each train shall be in accordance with the regulations governing the running of the same. Nevertheless, all necessary trains shall be run so as to enable all those who desire to travel to do so. A special order shall determine the maximum number of cars which shall form a train, in case there are two tracks.

At different points of the line depots of cars shall be established, the trains being completed with these cars when the number of passengers and the best public service demand it.

ART. 48. The locomotive shall always be at the head of the train. Nevertheless this order may be changed, if convenient, in order to facilitate and render safer the necessary movements in the vicinity of the stations and in case of necessary aid to another train. In these cases the speed shall not exceed 16 kilometers per hour.

ART. 49. In placing the cars forming passenger and mixed trains, the orders issued by the Governor General shall be carried out, after hearing the Chief Engineer of Public Works of the Island, and also the Company, and after informing the Colonial Department.

ART. 50. Only in conformity with the instructions given by the Colonial Department, and under such conditions as it may deem proper, may the cars of common carriers form part of the trains.

ART. 51. The carrying in passenger cars of all material which may cause explosions or fires is prohibited.

ART. 52. The cars and wagons which go to make up a train, shall have couplings at the same height, and the centers of these at equal distances, so that they may be coupled without difficulty.

ART. 53. The couplings of cars shall always be kept perfectly clean and oiled.

ART. 54. Every train shall be drawn by a single engine, except in cases of aid on account of damage or other serious reason,

when another engine may be employed, as well as in cases where the Company shall have been previously authorized by the Government.

ART. 55. More than two fired locomotives shall never be placed in a passenger train, and, in general, they both shall be placed at the head of the train, although in special cases, and always with the authorization of the Colonial Department, a different disposition may be made. At the head and following the tenders, there shall be one or two cars which do not carry passengers, according to whether one or two locomotives are attached. At the end of the train another car without passengers shall always be placed, unless the company is authorized by the Government to leave out the end car.

In the passenger trains there shall always be a car with a water-closet. The end car may be omitted whenever continuous automatic brakes are used on the whole train.

ART. 56. In a special registry, the causes which may have occasioned the employment of two engines in the same train shall be stated, whenever the Company is not authorized to do so, also stating the time thus employed and the reasons justifying it. Those charged with the surveillance of the service may examine these reasons and other memoranda referring to it, whenever the best public service demands it.

ART. 57. In due time and after full inspection, the engineer shall satisfy himself that the locomotive and tenders in his care are in good serviceable condition, and are provided with the necessary spare parts.

ART. 58. The chief of the trains, immediately on receiving them, shall examine them with the greatest care, so as to be sure that they are ready for service.

ART. 59. When there is insufficient freight in the car of the chief of the train, it shall be filled with ballast. The weight of this ballast shall be fixed by the Governor General for each line, after hearing the company and the Chief of Public Works.

ART. 60. The chief of the train, the brakeman, and the engineer, shall be, as far as practicable, in communication during the run, so as to be able to give the signal of alarm in case of accident.

ART. 61. The train once running, shall carry the lights and signals provided for in the Regulations of August 8, 1872, in force in Spain, and which are now extended to Puerto Rico, or those Regulations which may in the future be provided for by the Colonial Department, after hearing the Companies.

ART. 62. The passenger cars shall be lighted inside at night, and also during the day, when going through the tunnels determined

by the Government, all preparations being made for that purpose in the nearest station, according to the run.

ART. 63. Before a train moves, the employees who are to go with it shall punctually occupy their proper places, and in due time the chief of the station shall give the signal which advises them to take their places, the engineer finally repeating it with a whistle.

ART. 64. At such points on the line as the Colonial Department, after hearing the Company, shall designate, there shall be engines for aid or in reserve, always fired and ready for service, by day as well as by night.

ART. 65. A special Regulation drawn by the Government, after hearing the Companies, shall determine the service of locomotives, specially devoted to aid, without loss of time, the trains delayed, or in difficulties, for any reason whatsoever.

At the point in the station where the auxiliary locomotives are placed, there shall always be a repair car with the tools and outfit which, in the opinion of the Governor, are considered necessary.

The trains which may be used for the speedy aid of passengers and train in case of accident, shall also have a repair car.

CHAPTER VI.

PROVISIONS AS TO THE RUN, AND STOPPAGE AT INTERMEDIATE STATIONS, AND ARRIVAL OF TRAINS.

ART. 66. At the request of the Companies, the Colonial Department shall determine the running of the trains, and of single engines on double-track roads, as well as the turn-outs in single-track roads.

ART. 67. No train shall start from the station before the hour designated in the time-table.

ART. 68. The existing provisions, or those which may hereafter be adopted by the Colonial Department, shall be enforced, as to the time which must elapse between the starting of a train, to the next one which must follow according to the schedule. In the time between the two trains, no other trains or single engines shall be allowed to leave, except in cases of aid and succor, or when the Company shall be properly authorized therefor by the Government. In the vicinity of the stations, signals shall be placed, which shall immediately inform the engineers whether or not they may bring their locomotives into the station. The engineer shall stop the train as soon as he observes the signal to do so.

ART. 70. Only in case of accident, or force majeure, or repair of the line, shall the train stop on the line.

ART. 71. The existing provisions, or those hereafter adopted by the Colonial Department, shall be enforced, after hearing the Companies, to determine—

1. The special measures of precaution and safety which may be deemed necessary for the running of trains on grades, tunnels, and curves.

2. The highest speed of passenger and freight trains on the different sections of the line.

3. The time which must be employed to make the trip.

4. The precautions which should be adopted for the dispatch and running of special trains.

ART. 72. When a company shall decide to run a special train, and shall advise the engineer in charge of the inspection, stating the reason of the run and the hour of departure, the company shall be held responsible for any accident which may occur.

The departure of these special trains shall be announced by telegraph to all the stations.

ART. 73. Whenever for any reason the train or single engine stops on the line, signals indicating it shall be placed 400 meters on either side of this point.

ART. 74. The signal system shall conform with the provisions of the existing Regulations, or those which may hereafter be issued by the Colonial Department, after hearing the Companies.

ART. 75. At a distance of 300 meters from a crossing with another railroad or tramway, the engineer shall slow up so that he may make a full stop before reaching that point, if the circumstances demand it.

ART. 76. The Colonial Department, after hearing the Company, shall designate the points where signals are to be placed, showing the direction in which switches are turned.

ART. 77. When the trains shall approach the stations where they must stop, the engineer shall regulate the speed at such distance as he may deem proper, so that it shall not pass the station platform where the passengers are to alight. He may also, according to circumstances, stop the locomotive before reaching said point, afterwards reaching it by running it again.

ART. 78. The engineer shall slow up his engine, not only in large cuts where there are curves, but also at other points of the line which do not permit a large surface of the road to be seen.

ART. 79. When, because of unavoidable accident, the locomotive shall run with the tender ahead, whether alone or with the train, the engineer shall take the greatest precautions, the speed in such cases not exceeding 20 kilometers per hour.

ART. 80. When the engineer approaches stations, grade crossings, curves, cuts, or tunnels, he shall sound the steam whistle to

announce the approach of the train. The same signal shall always be repeated when there is doubt as to whether the line is completely clear.

ART. 81. On the arrival of the train at stations, their names, and the time of stoppage, shall be repeatedly and loudly announced.

ART. 82. While the trains remain in the stations they shall be in charge of the station master, who shall, therefore, be responsible for whatever happens in the station.

ART. 83. The chief of the train, on the run, is chief of all the employees thereon, including the engineer and fireman.

ART. 84. When two locomotives draw the same train, the person who has charge of the first shall regulate the run.

The second locomotive shall act only as additional force, and as a mere auxiliary.

ART. 85. The engineer who runs a locomotive without a train shall always do so on his own responsibility, and the fireman shall obey the signals ordered by him in accordance with the Regulations.

ART. 86. The engineer and fireman in charge of the service shall be the only ones on the locomotive.

From this prohibition are excepted the Engineers in charge of the technical inspection, their assistants who have an order or authorization of a chief, and the agents of the Company duly authorized for the purpose.

In every case special care shall be taken that the number of persons shall never be in the way of the handling and best service of the engine.

ART. 87. The Colonial Secretary shall designate the stations in which records of the delays of trains shall be kept, as determined by each Company. In these records the nature and make-up of the trains shall be stated, the numbers of the locomotives drawing them, the hours of departure and arrival, and the causes and duration of the delay.

The agents in charge of the inspections may examine these records whenever they may deem it proper for the better fulfillment of their duties.

ART. 88. By the quickest and most expeditious means at his command, the chief of the train in operation shall advise the master of the next station of any accident which may occur.

The station master shall immediately communicate with the engineer in charge of the inspection of the line, or with his subordinate, and, in a proper case, with the superior authority of the locality.

ART. 89. The urgent measures adopted by the Governor General, proposed by the Chief of Public Works, and referring to the safety

of the trains, shall be obligatory for the Companies when said measures shall have been communicated to the directors.

ART. 90. Thirty days before the date on which it is to go into operation, a sufficient number of copies of the schedule of all trains shall be sent to the Chiefs of the technical and administrative inspection, who, with their report, shall send them to the Governor General within the next ten days, for his approval, in order that he may make the changes which he may deem proper.

ART. 91. Before approving a new schedule of trains for a line the Railroad Companies which are affected thereby must agree, and the consent of the Governor General must be previously obtained; and he shall hear the Department of Communications in reference to the service of the trains which are to carry the Government mail.

ART. 92. If the Governor General, on receiving the schedule of the trains, shall allow the thirty days designated in Article 90 to elapse without giving any answer whatever to the Company, the latter shall put it in force, considering it approved.

ART. 93. When a new system in the service of the Railroad shall be adopted, or the one established shall be partly changed, the public shall be notified at least eight days in advance not only as to the hours of departure of the trains and of their arrival at the stations, but also of the points at which they are to stop.

CHAPTER VII.

PROVISIONS AS TO PASSENGERS AND PERSONS NOT IN THE RAILROAD SERVICE.

ART. 94. The entrance into Railroads is generally prohibited to all persons not employed in the service. From this provision are excepted—

1. The superior authorities of a Province.
2. The local authorities.
3. The engineer and other employees charged with the surveillance of the road.
4. Soldiers and customs officers and police agents, when they come with the express permission of the proper authority in order to perform some service.
5. Persons obtaining permission from the Company.

ART. 95. The passenger who does not present his ticket entitling him to occupy a seat in the train, or, having one of a lower class, occupies one of a higher class, shall in the first case pay double fare, according to the schedule of rates, and in the second case twice the difference between fares, computed from the station at which he entered the train to his destination. If the passenger does not prove where he entered the train, the double fare shall be estimated by the distance from the place in which the last examination of tickets was made.

ART. 96. In case a passenger goes beyond the place indicated in his ticket, he shall only pay the excess corresponding to the greater distance traveled, provided he informs the chief of the train before starting from the station stated in his ticket.

If this notice shall not have been previously given, he shall pay double the amount of the excess of the distance which he may have traveled without a ticket.

ART. 97. The passenger who, on account of the lack of cars, shall be obliged to go into one of a higher class than the one to which he is entitled by his ticket, shall pay nothing to the Company on account of the higher fare.

If, on the contrary, he may be obliged to occupy a seat of a lower class, the Company shall refund to him the amount of his ticket as soon as his trip ends.

ART. 98. It is absolutely prohibited—

1. To enter or leave the cars by any other exit than that opening onto the platforms.

2. To go from one car to another, unless there be a connection between them; or to lean out of the car while it is in motion.

3. To enter or leave the cars except at stations and when the train shall have come to a complete stop.

4. To enter the cars while the train is in motion.

5. To admit into the cars more passengers than can be provided with seats.

ART. 99. No intoxicated person shall be permitted to enter the cars, nor anyone carrying loaded firearms, or packages which, because of their shape, size, or bad odor, may inconvenience the passengers; nor shall any person with a firearm be permitted on the platform, without first proving that it is not loaded.

ART. 100. Passengers have a right to compel the ejection from the car, by the employes of the Company or of the Government, of anyone misbehaving, or who, by word or action, is offensive, or shall interfere with the orders established, or occasion disturbances or quarrels, as well as those who smoke in a car not reserved for smokers.

ART. 101. The Company shall always reserve one or more first-class sections in passenger trains for ladies who, traveling alone, may request it, and another section in which smoking shall be allowed.

These sections shall be designated by signs stating their reservation.

ART. 102. Dogs are not allowed on passenger cars; nevertheless the Company may admit, in special cars, persons who do not desire to part from their dogs, whenever the latter are muzzled.

ART. 103. If any passenger violates the provisions of these Regulations, the agent of the administrative inspection, or in his absence the station and train chief, shall warn him in due season, and when the gravity of the case demands it, institute the proper investigation, in order to establish the facts.

ART. 104. In order that the passengers may make their claims, not only against the Company, but against its agents and employees, there shall be in each station a registry, which shall be inspected every month by those in charge of the administrative and business inspection.

CHAPTER VIII.

RECEIPT, TRANSPORTATION, AND DELIVERY OF BAGGAGE AND MERCHANDISE.

ART. 105. The objects which are transported by Railroads are classified, for the purposes of these Regulations, as follows:

1. Baggage.
2. Parcels.
3. Merchandise.
4. Cattle of all kinds.

ART. 106. Baggage is understood to include clothing, or things for immediate use, destined for the shelter, ornament, or cleanliness of passengers; books or tools of trade or profession, contained in trunks, chests, valises, small chests, boxes, hat boxes, satchels, saddlebags, hand bags, pillows, or under any covering whatsoever, or unpacked.

ART. 107. Baggage shall be transported in the same trains which carry its owners, and shall be delivered to them at the end of the trip.

ART. 108. Parcels are understood to be all the packages which, without being subject to a declaration of contents, require special care and are transported with the same speed as passengers.

ART. 109. All the things which are not included in the classification of the previous articles, are designated under the general name of merchandise.

ART. 110. The fourth classification comprises cattle, hogs, sheep, goats; draft, burden and saddle animals; dogs, and other domestic animals, and domestic and pet birds in cages or boxes with slats.

ART. 111. Whosoever sends merchandise to the railroad stations shall make a previous declaration as to the number of packages, weight, class, and quality.

Special precautionary measures shall be adopted for the transportation of such merchandise as may cause explosions or fires, or the deterioration or contact of which may damage others, more or less.

ART. 112. Every delivery made in the place designated for the proper employees of the company to receive articles to be transported shall be considered as a proper delivery and legally made.

The subordinate employees exclusively occupied in manual labor and the mechanical laborers in the offices and stations shall not be considered as such proper employees.

ART. 113. The Company shall be obliged to make a bill of lading of the parcels brought to it; and for this purpose the Company shall keep numbered stub books; one in which the articles to be transported with the same speed as passengers shall be noted; another in which a record shall be kept of the articles to be carried in freight trains.

In both, the weight and the rate of transportation of the articles shall be stated, in the same order of dates as they are entered in the registry, unless the sender willingly consents to waive this privilege.

At the time of delivery a stub shall be given to the sender or the person in charge of the article, in which the number, class, weights, rate of transportation, and time in which it is to be delivered shall be stated.

ART. 114. The responsibility of the Company as to delivery, to which the previous article refers, commences from the moment in which the Company has taken charge of the merchandise, in the place where it is to be received, although the person in charge of this service may not have entered it in the books of registry.

ART. 115. The Government, in accord with the Companies, and after the information which it may deem convenient, shall designate the stations where tickets for passengers are to be sold, and merchandise billed to all the points connected with the Railroads, even when these points belong to other Companies, as for the purposes of transportation all are to be considered as one line, and for such cases the Royal Decree of the Treasury Department of January 10, 1863, shall be in force and considered a part of these Regulations.

ART. 116. The passenger carrying in his baggage jewels, precious stones, bank notes, money, stocks of industrial companies, bonds of the national debt, or other valuables, shall state it, exhibiting them before the record is made, declaring the total amount represented by these articles, either as to their selling price or the price at which he estimates them.

The failure to comply with this requisite shall relieve the Company of all liability in case of theft or loss.

ART. 117. When the Company, suspicious of the falsity of the declaration of the contents of a parcel, shall determine to examine it, the Company shall proceed to do so before witnesses, and in the presence of the sender or the consignee. If the latter, invited by the Company, are not present at the time, they shall be cited for that purpose by a Notary Public who shall be requested to do so by an expressed order of the proper authority. If even then they do not appear, the parcel shall be opened in the presence of the Notary and the witnesses.

A proper statement shall be drawn of the examination and its result, signed by all those present and certified to by the Notary, in case this officer is present. The place and date of examination shall be set forth, the notice given to the sender or to the consignee, his presence or refusal to attend, the kind of merchandise, its condition and number, details according to the declaration, and everything which may appear and be shown from the examination at the time the parcel containing it is opened; the names, residence, profession, or business of the witnesses.

ART. 118. After the statement of the examination shall be drawn, according to the provisions of the preceding article, the Company shall send it to the Governor of the Province, so that the proper steps may be taken by the Government without prejudice to the right of sending it also to the competent court in case of a civil or criminal action.

ART. 119. The Company shall not delay the time designated for forwarding the parcels agreed to with the shippers, not even giving as an excuse the examination of the parcels, on account of suspicions of fraud or any other reason, as the examination can always be made at the point of delivery. If the examination shows that the shipper has not made a false declaration, the Company shall pay all the expenses of again closing the parcels and putting them in their original condition.

ART. 120. Whosoever shall make a false declaration when shipping merchandise to the stations, in order to pay a lower rate than that of the schedule, shall pay the Company twice the excess, and indemnify the Company for all damages and losses.

ART. 121. When the Company shall receive articles under a sealed cover, it shall be exempt from all liability when delivering them with the seals intact and in the original form to the shipper or to the consignee.

ART. 122. If cash payment is not made in advance for the transportation charges as per schedule, the Company may refuse to carry empty cases, as well as merchandise which may be damaged, or that requiring additional cover to preserve it; and finally, that which, on account of its small value, will not cover the cost of transportation.

ART. 123. The Companies have a right to refuse parcels badly made up, and all those not sufficiently packed so as to preserve the merchandise they contain. Nevertheless, if the sender should insist that they be admitted, the Company shall be obliged to forward them, exempt from all liability, if the Company records its opposition, according to existing provisions, in the receipt issued.

ART. 124. When the receipt or voucher given to the interested parties by the Company does not state the opposition to receive the

merchandise to which the preceding article refers, the Company shall be liable for the damages proved at the time of delivery at the point of destination; but even in this case it may evade the liability if it proves that the damages can not be ascribed to it.

ART. 125. Animals, merchandise, or any other articles to be transported at great speed, shall leave in the first train which includes cars of all kinds, provided they have been presented for record three hours before the time of departure of the trains. They shall be at the disposal of the persons to whom they are addressed two hours after the arrival of the train. If there be no trains with cars of all kinds which run to the place of destination, they are to be transported in the first one leaving, whether it be an express or mail train.

When the transportation is to be made at slow speed, they shall be forwarded, forty-eight hours at the latest, after the entry of the articles, which shall be at the disposal of the consignees twenty-four hours after the arrival of the train. For the transportation of draft and saddle animals, the number of hours' notice shall be given provided for by the schedules.

ART. 126. The shipping papers delivered by the Company to the conductors of the freight trains shall serve as proof in favor of the owners who may have lost their receipt, whenever they are identified.

ART. 127. The regular schedule rates shall be applicable to all packages or parcels, which, although packed separately, constitute a remittance of more than 50 kilograms, provided it is made by one individual and addressed to a single person.

The parcels and excess of baggage, under similar conditions, shall be considered as a single remittance for the collection of the rates fixed by the special schedule.

The Express Companies and other carriers shall not enjoy these benefits unless the articles forwarded by them are packed in a single parcel.

ART. 128. As for the payment of transportation charges on merchandise, animals, and other articles not included in the schedule, they may be included in the class to which they are most similar, which classifications may be made temporarily by the Company itself, but always submitting them to the Colonial Department, which may change, admit, or refuse them, as it may deem best.

ART. 129. Whenever a parcel contains merchandise of different kinds, the rate of transportation to be charged shall be that for the highest class.

ART. 130. The Companies may establish, within the maximum schedules which they may have been permitted to make, and without damage to the national ports and manufactures, other special

rates, in favor of foreigners, between given points on the line; but the privilege to enjoy these rates shall not extend to transportation between other points.

ART. 131. The Companies may reduce the schedule rates in favor of the shippers who may accept a longer time of delivery than those fixed for slow speed, and of those who shall obligate themselves to forward a minimum number of tons, or those who shall offer any advantage for the transportation; but in no case can the Companies evade the liability imposed on them by these regulations for bad service.

ART. 132. Any special reduction or condition granted in favor of one or more shippers shall be extended to all those demanding it, if they comply with identical conditions.

ART. 133. Whenever a Company grants to one or more shippers a reduction of the schedule rates, the Company shall inform the Government of the conditions under which it has been made.

The Companies shall open a registry in which these conditions shall be recorded, and said registry shall be shown to persons who may request it. The registry shall be numbered by pages and rubricated by the chief of the business inspection.

ART. 134. When there are special schedules for the transportation of certain merchandise, notice shall be given the shippers at the time it is shipped, so that they may select the one most advantageous.

ART. 135. The rates fixed for the transportation of merchandise, under special schedules, can not be increased until after one year has elapsed from their publication.

ART. 136. The rates fixed for the transportation of merchandise, by virtue of special schedules, can not be increased until after the expiration of one year from the time of their publication.

ART. 137. The delay in transportation shall give a right to an indemnity for damages, except in cases of force majeure.

ART. 138. The burden of proof in cases of force majeure is on the Company; and until the Company shall have proved it, its liability shall stand.

ART. 139. Robbery shall not be considered a case of force majeure, except when the Company proves that it did everything in its power to prevent it; nor fire, unless it be proved that it was due to the negligence or to the carelessness of the employees; nor the insufficiency or bad condition of the means of transportation.

ART. 140. The Railroad Companies having terminals at the maritime ports, provided they comply with the formalities and conditions prescribed by the custom-houses, may use instead of a baggage depot for the examination of the baggage, the trains by which it is carried.

ART. 141. The Company which may have carried merchandise, without founding any claims whatever, shall have a right of action for the expense of the transportation and care of the merchandise kept in good condition, against the consignees or the shippers.

In default of payment, proceedings shall be instituted in accordance with the Commercial Code.

ART. 142. The consignee shall pay the expenses of repacking whenever the Company shall prove that it was done to preserve the merchandise which would otherwise have decayed or been lost.

ART. 143. Every action, the object of which is commercial, against the Company and in regard to transportation, shall be brought in the Courts.

ART. 144. The provisions of law which submit to proof the weights and measures of merchants and manufacturers in their warehouses, stores, and shops open to the public, are applicable to Railroad Companies in all matters referring to transportation.

ART. 145. The Companies shall always be liable for the loss and damage of articles intrusted to their care, whether the damage is due to the employees themselves or to strangers who may frequent the offices.

ART. 146. If the Company leases a space in one of the cars of its trains, and does not directly nor indirectly interfere in the handling of the freight, the Company shall not be liable for the loss and damage which may result, being exempt from all responsibility.

ART. 147. In case of loss or damage of the article transported, the Company first charged with its handling can not claim, against the others who were charged with the transportation, unless it prove that the merchandise was delivered to them in good condition. All the Railroad Companies are considered to be connected without a break, as if they were a single line, for the purpose of transportation contracts.

ART. 148. The Companies are not responsible for the natural wear and tear on the merchandise when it is greater than ordinary, nor can it be for fraud or carelessness.

ART. 149. In case the merchandise does not arrive at its destination in good condition at the stated time, the owner or consignee has the right to insist on the liability of the Company which may have failed in carrying out the conditions.

In the same way it may be insisted on when the parcels, clearly and distinctly marked so that no doubt can arise, are delivered to a person different from the one who was to receive them.

ART. 150. Unjustifiable delay of passenger trains shall always be punished by fine, in accordance with Article 12 of the Railroad Police Laws, when the delay shall exceed ten minutes for a run of 100 kilometers for express and mail trains, and twenty minutes for the same distance in case of mixed trains.

The Companies shall also be punished by fine, without prejudice to their civil liability, when in the freight service the loss or damage in handling the merchandise shall be due to negligence or carelessness, and when the delays exceed from one-fourth to double the time provided for in the Regulations or agreed upon for the delivery.

ART. 151. If only part of the merchandise is delivered by the Company within the time provided by these Regulations, the other part shall be the basis for damages; but the damages shall cover both, when the consignee shall prove the impossibility of using one without the other.

Exceptions are made in cases of accident and of force majeure, which must be proved on the same day and place on which they may occur, and not by certificates obtained subsequently, and once the proceedings have been begun, unless a disturbance of public order may have prevented the authorities from freely performing their duties.

ART. 152. If the owner of parcels or packages temporarily mislaid shall have been indemnified for their loss, the Company may, when the parcels are found, cite the owner to be present at the opening; and once the delivery is made, the company shall recover the amount it paid, making amends for the damage due to the delay. If from the investigation of the articles a fraud shall appear to have been committed in the declarations made by the owner, the Company shall in turn have a right to collect damages, giving information of the fraud to the Courts of Justice.

ART. 153. The Companies may establish ordinary transportation service in order to facilitate the communication between towns and the neighboring stations.

The interested parties shall nevertheless be at liberty to carry the goods in their own vehicles or send them by trustworthy persons should they prefer it; but in such case, when the parcels are delivered to the stations, this fact must be stated.

The Companies shall then advise the consignee of the arrival of the trains, so that he may send for the merchandise belonging to him. Forty-eight hours are allowed for such purpose, and if he does not remove the merchandise from the station storage shall be charged.

ART. 154. The Companies may also establish schedules in combination with other land or maritime transportation companies, with the condition that on its lines the same rates shall be charged as when the articles are sent to the points favored by the schedule, even though the shippers, at their own expense, shall transport the merchandise by land or water, employing their own vehicles or vessels.

ART. 155. The consignee of merchandise can not refuse to receive it, even on a holiday, if he be in his house when the merchandise is brought there.

ART. 156. The consignee who may desire to prove the weight of the merchandise delivered to him shall pay the expenses of re-weighing, provided that the result shall be the weight stated in the receipt, as provided for by article 148.

If they do not agree, the expense shall be defrayed by the Company.

ART. 157. The examination of the parcels shall be made judicially when the consignee so demands it.

Experts called for this purpose shall state in their report the outward condition of the parcels, their weight, marks and numbers, the nature and amount of the merchandise therein contained, their quality, whether they have been wet or suffered any damage, the time when, in their judgment, the damage occurred, the probable cause thereof, and, finally, the amount of the damage.

ART. 158. The receipt for the articles transported, signed by the consignee, and the payment of the transportation shall extinguish all right of action against the carrier.

ART. 159. The claims against the Companies for loss or damage of articles transported shall be deducted in the manner and time provided for by the Commercial Code.

CHAPTER IX.

PROCEDURE FOR THE PUNISHMENT OF CRIMES AND OFFENSES AGAINST THE SAFETY AND PRESERVATION OF RAILROADS.

ART. 160. The Governor General shall have power—

1. To see that, fully exercising all his powers and with constant supervision, the Alcaldes, in so far as they relate to them, shall in all respects carry out the provisions of the Railroad Police Law and of these Regulations.

2. To impose fines for the offenses stated in Article 12 of the Law, on complaint of the inspectors.

ART. 161. The ordinary tribunals shall have jurisdiction of the crimes committed on Railroads, according to the procedure and provisions of the Railroad Police Law, and other provisions explanatory of the same.

ART. 162. The supervision of the Railroads shall be mainly exercised by the officers of inspection and the Companies' employees, both having for this purpose the character of sworn guards.

ART. 163. According to Titles 2, 3, and 4 of the Railroad Police Law and the provisions of these Regulations, any violation of these articles shall be complained of to the Municipal Judges of the jurisdiction where they may be committed, whether by the employees of the inspection or those of the Company.

ART. 164. The complaint authorized by the title and signature of the complainant shall be made in duplicate, declaring therein the place where the act complained of occurred, its date, the date of the complaint, the name and description of the offender, his residence and domicile, if they be known. On one of the two copies of the complaint, the Judge shall acknowledge receipt thereof and return it to the complainant, keeping the other as the origin and basis of his future proceedings.

ART. 165. Immediately after hearing the interested party, the Judge shall demand that this Law and these Regulations be complied with, imposing the fines in a proper case, collecting them as soon as possible. The trial being ended and the sentence executed, the Judge shall inform the inspectors of the line of the result of the proceedings.

ART. 166. The offenses committed by the owners of concessions or lessors, in the cases mentioned in Article 12 of this Law, shall be punished by the Governor General, on official complaint of the inspectors, who shall specify them as clearly as possible, and classify them according to their importance and consequences.

ART. 167. The Governor, after hearing the owners of the concessions, or the lessors of the Railroads, and the Administrative Council which hears disputes, shall impose on them the penalty which he may deem proper, according to the Railroad Police Law. If the owners of the concessions or the lessors seek the remittance of the fines, they shall petition the Colonial Department through the Governor, who shall send the same, with his own report, for the proper decision. The decision shall always state the reasons, after hearing the authorities or corporations deemed proper, that of the full Council of State being indispensable. From the decision of the Secretary there shall be no appeal.

ART. 168. The authors of the crimes or offenses mentioned in the Railroad Police Law shall be turned over to the competent tribunal, whether by the employees of the Inspectors, or of the Company, or by any other authority, sending mutual assistance in order to fufill their duty.

CHAPTER X.

MISCELLANEOUS PROVISIONS.

ART. 169. The owners of concessions, or lessors, may freely appoint and discharge their employees; but the Governor General, by the authority of Article 15 of the Police Law and in the cases mentioned therein, may order the Company to discharge any of its employees, communicating the order through the Chief Inspectors, who shall see that the employees are immediately discharged without any appeal.

Discharge from the service may be directed—

1. When the reports of the Chief Engineer of Public Works as to the technical employees show that these are incompetent or that they have placed the safety of the trains in jeopardy.

2. When the reports of the Inspecting Chiefs of Administration as to any employee of the company show that his remaining in the employ is dangerous either to the security of the trains or the maintenance of public order.

Nevertheless, in the latter case the discharge can not be directed nor complaints admitted at the time of elections or thirty days thereafter.

ART. 170. Railroad employees shall wear a uniform, differing according to their class and the road to which they belong.

ART. 171. Road guards and gate keepers can bear the same arms and enjoy the same privileges as Government guards.

ART. 172. No engineer shall be employed in the Railroad service without previously showing, in accordance with the instructions ordered by the Colonial Department, the necessary qualifications for the faithful discharge of his duties.

ART. 173. Notice shall be given immediately by the Station Masters to the Inspectors and to the Governor General, of any accident which may place in jeopardy the safety of the trains or endanger the passengers or employees of the Company or any other persons.

ART. 174. If practice shows that besides the water and fuel deposits existing for the use of the engines, other intermediate deposits at distinct points of the road are necessary, they shall be constructed at the places designated by the Governor after hearing the Companies and the Chief of Public Works.

ART. 175. The special Regulations for the service and operation of each line shall be submitted by the owners of the concession to the approval of the Government.

ART. 176. The written, printed, or lithographed instructions, orders, circulars, and provisions regarding the Railroad service, shall be immediately communicated to the Inspectors.

The manuscript orders shall be copied the day they are issued in a special registry, which shall be presented to the Inspectors whenever demanded.

ART. 177. The Chief Inspectors shall have the right to examine the accounts of the Companies' receipts and expenditures, the Royal Decrees received by the Companies, and any other documents referring to the operation of the road and by which its real condition may be known.

ART. 178. All the notifications to the railroad Companies shall be made at their domicile, and when citations are served on the

Station Masters the citations shall be of legal value only when the Station Masters are duly authorized to represent the Companies.

ART. 179. The Companies shall not resist the attachment of their warehouses and depots when made by judicial order. When attachment is made, in no case shall the articles attached be dispatched and returned to the shipper or consignee, but they shall always be at the disposal of the Court.

ART. 180. It is the duty of the Company to keep in good condition the articles which for any reason may have been deposited in its stations.

When they need more care than the Company can exercise, the procedure shall be in accordance with the provisions of the Commercial Codes for similar cases.

ART. 181. The articles forgotten by passengers and left in trains or waiting rooms, those falling on the way when the train passes, and all those the owners, shippers, or consignees of which are unknown, shall be kept in a depository; a special record shall be made of them, stating the date and place of finding the same, and their description.

ART. 182. If after the third publication of the advertisement in the Gaceta Oficial de Puerto Rico, and after a year has elapsed, nobody shall claim the articles forgotten or lost, referred to in the previous article, they shall be sold at auction and the proceeds applied to charity organizations, after deducting the expenses for care and storage.

ART. 183. The telegraph lines in charge of the Companies shall only send news, notices, and dispatches regarding the Railroad service.

ART. 184. The care as well as the attendance and maintenance of the telegraph material, including the wire devoted to the Government service, shall be at the expense of the Companies.

The offenses committed against the telegraph service, and those causing destruction or damage of its material, shall be considered offenses committed against the road, and as such punished according to the provisions of Title 5 of the Railroad Police Law.

ART. 185. In the most public places of the stations, and especially in the waiting rooms, there shall always be posted, for public information, copies of these Regulations.

Its provisions and those of the document of conditions referring to merchandise shall also be posted in the places where the latter is received.

ART. 186. The chief conductor of every train shall always carry on the trip a copy of these Regulations.

The engineers, firemen, brakemen, road guards, and other employees in the service of Railroads, shall be given an extract of the provisions of the Regulations which they may have to observe.

ART. 187. The Secretary of the Colonies or the Governor General, as the case may be, has the power to fix the times when the Companies must submit for approval their Regulations, schedules, and other provisions, which they are compelled to do.

If the time fixed elapses without the Companies doing so, the Government shall decide as it may deem best.

ART. 188. The offenses against these Regulations, the decisions of the Government, and those adopted by the Governor General with the approval of the Government or by virtue of his authority, referring to Railroads and their best service and police, shall be punished according to Title 5 of the Railroad Police Law.

ART. 189. In matters not provided for in these Regulations, as to service and police of the Railroads, the Regulations in force in Spain shall be temporarily followed, if they do not conflict with the Puerto Rican Regulations, without prejudice to the right to consult the Colonial Department for the final decision for the future.

Approved by Royal Decree of this date.

BALAGUER.

MADRID, *January 16, 1888.*

DEPARTMENT OF PUBLIC WORKS, CIVIL CONSTRUCTION, FORESTS, AND MINES.

RAILROADS.

His Excellency, the Secretary of the Colonies. communicates to the Governor General, under date of the 6th ultimo and under No. 101, the following Royal Decree:

COLONIAL DEPARTMENT.

ROYAL DECREE.

MOST EXCELLENT SIR: In view of the consultation by Your Excellency in communication No. 2111, of the 15th of last September, considering the work of extending the lines of the Matanzas Railroad, as to whether in cases such as this there shall be applied the provisions of the Law and Regulations of Railroads, for the construction and service of those roads declared of general utility, or the provision of the same Law and Regulations of Railroads for private use:

Whereas, in Article 2 of the Law of Railroads, Railroads are divided into those of general and private service, and Chapter X refers to the latter under the heading "Railroads devoted to private use," to which, according to Article 63, there shall not be granted the right of eminent domain, nor the occupation of lands belonging to the State, but only those of public property; and whereas, Article 64 declares that there may be Railroads for private use which at the same time may render public service, and for such cases it says that there may be granted the occupation of lands belonging to the State, by virtue of a law, and the right of eminent domain, and that therefore Articles 63 and 64 well define the legal existence of Railroads devoted exclusively to private use, and of the Railroads which, besides having that use, may perform public service, which can not be any other than the transportation of passengers and merchandise; and whereas, the said articles also state what the administration may grant, and how and in what cases, making no distinction for this between one class of Railroads and the other, and referring to the legislative power, the occupation of State lands

and condemnation, when either is asked, because, when it is not asked, said power is not exercised, as the administration has authority to finally resolve as to the occupation of public property; that if there could be any doubt whatever, and it should be contended that the Railroads should comply with different rules and Regulations, the doubt would be dispelled by reading Article 65, which tacitly grants the same rights to both classes of Railroads, and that giving the law a different interpretation from the above would be equivalent to declaring that, when a Railroad is exclusively devoted to private use it has more facilities, advantages, and rights than when the same Railroad does public service, even if in both cases the Companies only ask the occupation of public property.

Considering that the same findings may be deduced not only from the examination of the Railroad Law, but also from the examination of the Regulations for its application, Articles 72, 73, and 74 are developments of Article 63 of the Law, and Articles 75, 76, and 77 of Article 64; but only when condemnation or occupation of State lands is asked, or both at the same time, which is the case provided for in Article 64; that the text of Article 75 leaves no doubt as to this point, because the words, *in this case*, with which the second paragraph commences, only refer to petitions asking the occupation of land of the State, and forcible condemnation, as the Council of Administration of that Island judiciously says in its report, and that if there be a desire to give the words any other interpretation it could not be done after reading paragraph third of the same Article 75, and Articles 76 and 77, which provide for its fulfillment; and, considering that in all these Articles it may be seen that they only refer to condemnation and occupation of State property, and also that there is only one object stated in the second paragraph of Article 77, which is to give the Government all the necessary facts to present to the Cortes the proper form of law.

In conformity with the opinion of the full Consulting Board of Roads, Canals, and Ports, the King (may God preserve him), and in his name the Queen Regent of the Kingdom, has deemed proper to order, as a decision in the said consultation, that the formalities which must be complied with for the construction and operation of the roads of that Island, devoted to public use, which may not have been declared of general utility, and for which neither the right of eminent domain nor the occupation of State lands is asked, although possibly those which are public property shall be the formalities stated in Articles 62, 63, and 65 of the Railroad Law, and in Articles 73 and 74 of the Regulations, and that said decision shall be extended to the Railroads of the same class in Puerto Rico.

By Royal Order I inform Your Excellency, accompanying this with a copy of the Gaceta de Madrid, in which the said Royal Decree is published, which must also be published in the Official Gazette of that Island.

May God preserve Your Excellency many years.

MADRID, *February 7, 1888.*

BALAGUER.

And His Excellency, the Governor General, having decreed its execution under date of the 5th instant, has ordered that it shall be published in this official paper for general information.

PUERTO RICO, *March 10, 1888.*

MIGUEL VASCONI,
Secretary pro tempore of the General Government.

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